

BREYER, J., concurring

**SUPREME COURT OF THE UNITED STATES**

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No. 98–1828

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VERMONT AGENCY OF NATURAL RESOURCES,  
PETITIONER v. UNITED STATES  
EX REL. STEVENS

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SECOND CIRCUIT

[May 22, 2000]

JUSTICE BREYER, concurring.

I join the opinion of the Court in full. I also join the  
opinion of JUSTICE GINSBURG.